Supreme Court, U.S.
FILED

101280 DEC 8 - 2010

10- OFFICE OF THE CLERK

In The

Supreme Court of the United States

James Widtfeldt,
Petitioner

v.

Nebraska Equal Opportunity Commission and
NAF Multicultural Human Development Corporation,
Defendants.

On Appeal From
The Nebraska Supreme Court
Petition for Further Review Denied September 9, 2010

PETITION FOR A WRIT OF CERTIORARI

James Widtfeldt
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Due April 17, 2011 (60 day extension)

03335
(55)

Questions for REVIEW

1 Nebraska Proposition 424 was approved by the Nebraska vote in November 2008, and provides in part that "The State shall not discriminate against, or provide preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting" Has Nebraska violated Proposition 424, now enacted as Nebraska Constitution Article I, Section 30, in this appealed case?

2 The NEOC has begun a Nebraska District Court case in Lancaster County, titled CI 08-5348, after trying to set inspections during a time when US Highways 20-275 were closed for travel in front of Widtfeldt premises in 2008 Widtfeldt partly closed down for repairs in 2007 and 2008 for extensive re-building and replacing of roofs, and Widtfeldt had in 2006 and 2007 required various renters to remove 20 to 100 unpermitted year around storage of motor vehicles which were preventing Widtfeldt from accessing the premises for repairs

3 In 2008 no renters applied for NEOC or NAF subsidies, thereby cutting off any NAF or NEOC inspections, which had been predicated on lessee applications for subsidies in 2008, to be followed by NAF or NEOC inspections of only the renters applying for subsidies The NAF and NEOC subsidies were in the nature of $50 in 2008, and the renters did not think the subsidies were worth the frequent inspections and loss of privacy resulting from NAF and NEOC subsidies

4 NAF and NEOC tried to force the issue in 2008 by claiming that NAF and NEOC had the right to inspect the premises even

without any subsidies, andNAF and NEOC attempted to change the conciliated offers of Widtfeldt obtained as part of and through negotiation but never properly accepted or ready to be enforced, to change the agreement not to require any renter applications for NAF or NEOC subsidies NAF and NEOC were attempting to do retroactive "inspections", though in fact all NAF and NEOC subsidies in previous years were preceded and followed by at least some visits to the leased premises, in 2006 and all previous years, as the renters kept Widtfeldt informed of the 2007 and previous NAF and NEOC inspections In

2007 NAF and NEOC attempted to rope HUD into strongarming Widtfeldt into doing retroactive inspections, by writing up various versions of purportedly negotiated settlements and making various demands

5 Nebraska Statute RRS 20-343 is being used unconstitutionally to effect ethnic cleansing, by setting penalties of $100,000 per day on rentals occupied by minorities, thereby successfully evicting minorities from O'Neill

6 Although Widtfeldt premises are kept serviceable, Widtfeldt rents to lower income persons which renters insist that all questions of increased rent versus increased

repairs and fancier accommodations be compromised to keep rent low, so far as the renters are given any choice The State of Nebraska is trying to increase values and make the premises insupportably expensive to enable Nebraska to raise taxes, and supplant Widtfeldt's superior intelligence in managing the real estate NAF and NEOC are asserting that items like fly strips (sticky paper hanging from the ceiling to entrap flys often used by the renters to compensate for enormous numbers of persons opening and sometimes shutting doors) are serious health hazards that Widtfeldt should enter each room and

remove fly strips on a more than daily basis Widtfeldt has never agreed to clean rooms during renting, and the renters generally are very proud of their housekeeping and would be offended at the concept of an apparently Caucasian male supervising their housekeeping The NEOC-NAF plans are uneconomic and unworkable and NEOC and NAF are trying to claim that Widtfeldt is agreeing to do daily housekeeping for all renters, without any increase of rent to a daily rate such as $75 per day to cover housekeeping NAF and NEOC did a lot of razzle dazzle with paperwork, and now are trying to claim

that the remainder of the agreement which is referred to by the paperwork they filed, is not any longer part of the agreement The NAF NEOC personnel, who are apparently all women, are trying to violate every rule of document construction, by persuading the Nebraska Attorney General (NAG) to file suit for billions of dollars, computed at $100,000 per day per fly strip, mold smudge, and paint imperfection, all against Widtfeldt. The renters are generally moderately young and raising families, and are at an age where many windows are broken and much damage to the walls, by intoxicated driving, are done

7 The NEOC-NAF agencies are basically harking from the 1960s era of migratory farmers and the agencies generally regard themselves as helping migratory workers The facts are that the migratory workers now are no longer migratory, but own motor vehicles and on any three or four day weekend, will drive even as far as Mexico and back, and the concept of working in the field by hand has long since disappeared, and now much of the labor is done by trucking families who own fleets of potato trucks, with many relatives developing mechanical repair and electrical skills of more than ordinary ability As a result of

the NAF and NEOC excesses several years ago where NEOC and NAF were tryıng to represent ıllegal ımmıgrants and tryıng to suck the Nebraska Attorney General ınto polıtically unpopular lıtıgatıon agaınst cıtızens ın favor of ıllegal ımmıgrants, the populatıon of Nebraska voted out most ıf not all of the foundıng statutes, through proposıtıon 424 ın 2008, just before the present lıtıgatıon was fıled, the whole concept of equal opportunıty envısıoned by NAF and NEOC

8 The mayor, Wılliam Prıce, of O'Neıll is a State Trooper and seems to be quıte actıve ın closıng down old house traıler parks and

other housing likely to be occupied by Hispanic or other low income racial minorities Recently, several widely publicized incidents have occurred where official government crime investigation labs have cut corners to convict suspects, note that most racial minorities are automatically suspects, so that activities of the NEOC and NAF are just a cheap way to try to knock off private property and prevent renting to racial minorities, by creating out of whole cloth, violations

9 For many years Widtfeldt was a lawyer, and represented unsuccessfully various racial minorities, with no success before

either County Judge Brodbeck or District Judge Reimer, except on appeal or if the opposing party had no lawyerestive of discrimination For example, Holt County District Judge Reimer, now deceased, never decided any cases in favor of any of my clients in contested cases involving any other lawyer, though at the time I got most if not all reversed on appeal to the then Nebraska Supreme Court Judge Brodbeck always seemed to pull facts, law or evidence out of thin air to defeat any cases I might try if there was any opposing lawyer The existence of such judges in Nebraska shows why such cases as this may be

started by the State against myself, as a complete lack of evidence or a complete set of evidence pointing the opposite way, is not always an obstruction to the Nebraska legal system

PARTIES TO PROCEEDINGS BELOW

This case has sbeen up on a motion to dismiss in the Lancaster County District Court, the Nebraska Court of Appeals and Nebraska Supreme Court All of the government parties above have violated All of the government parties have ignored Article I Section 30 of the Nebraska Constitution, which provides for termination of various "equal opportunity" or affirmative action type cases The Nebraska Equal Opportunity Commission, hereinafter NEOC, did in previous years attempt to institute litigation in favor of illegal aliens against Nebraska citizens, and attempt to enlist the assistance of the Nebraska Attorney General, which led to a citizens group getting Article I, Section 30 put in the Nebraska Constitution

TABLE OF AUTHORITIES

42 USC SEC 1983	3,8,10
ARTICLE I, SEC 30 OF NEB CONSTITUTION	ALL PP
RULE 13 US SUP COURT	3
28 USC SEC 2101 [C]	3
RRS 20-329	12
RRS 20-334	10,11,15,19
RRS 20-337	10,11,15,19
RRS 20-342	10,11,15,19
RRS 20-343	10,11,15,19

Widtfeldt vs NEOC, NAF ref ART I, § 30, NEBRASKA CONSTITUTION

PETITION FOR WRIT OF CERTIORARI

Petitioner James Widtfeldt, for himself and possibly the dissolved corporation, James Widtfeldt, Inc., hereby petitions for a Writ of Certiorari to review the September 9, 2010 order of the Nebraska Supreme Court. The Nebraska Supreme Court decided wrongly, that neither it nor the Nebraska Court of Appeals had jurisdiction. The reason the Nebraska Supreme Court and Court of Appeals were both wrong was that Nebraska Constitution Article I, Section 30, enacted in the November 2008 election, provides that the essentials of "affirmative action", which were being abused and interpreted backward to deprive Native Americans of rental residential housing, are no longer

lawful, and accordingly the NAF, a Multicultural Nebraska Corporation which is basically a private corporation desperately trying to justify its existence for the purpose of doling out money to itself by pretending that migratory farm workers still exist, and Nebraska Equal Opportunity Commission or NEOC, which sees racism everywhere except in itself, and NEOC is so racist (trying to institute litigation against citizens to reward illegal aliens) that the majority of Nebraskans voted against NEOC and NAF in Proposition 424 in the 2008 general election

OPINIONS BELOW

The Nebraska Court of Appeals and the Nebraska Supreme Court decided wrongly that neither had

jurisdiction The courts are trying to eliminate rental housing for racial minorities by claiming that no housing is good enough for any racial minority, thereby running afoul of not only 42 USC Section 1983 but Article I, Section 30 of the Nebraska Constitution The decisions are in the Appendix at A1

JURISDICTION

This Court has jurisdiction pursuant to Rule 13 of the US Supreme Court, Effective February 16, 2010, a Petition for Writ of Certiorari is timely if filed within 90 days of any State Court Decision from a court of last resort This jurisdictional statute may be found under 28 USC Section 2101 {c}.

Widtfeldt vs NEOC, NAF ref ART I, § 30, NEBRASKA CONSTITUTION

RELEVANT STATUTORY PROVISIONS

Article I, Section 30 of the Nebraska Constitution is the most relevant provision, it was a Constitutional Amendment passed November, 2008 at a Nebraska State vote It provides as follows

Ne Rev St CONST Art I, § 30

West's Revised Statutes Article I Bill of Rights

Sec. 30. Discrimination or grant of preferential treatment prohibited; public employment, public education, or public contracting; section, how construed; remedies

(1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the

basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting

(2) This section shall apply only to action taken after the section's effective date

(3) Nothing in this section prohibits bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting

(4) Nothing in this section shall invalidate any court order or consent decree that is in force as of the effective date of this section.

(5) Nothing in this section prohibits action that must be taken to establish or maintain eligibility for any federal

program, if ineligibility would result in a loss of federal funds to the state

(6) For purposes of this section, state shall include, but not be limited to (a) the State of Nebraska, (b) any agency, department, office, board, commission, committee, division, unit, branch, bureau, council, or sub-unit of the state, (c) any public institution of higher education, (d) any political subdivision of or within the state, and (e) any government institution or instrumentally of or within the state

(7) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise

available for violations of Nebraska's antidiscrimination law

(8) This section shall be self executing If any part or parts of this section are found to be in conflict with federal law or the Constitution of the United States, this section shall be implemented to the maximum extent that federal law and the Constitution of the United States permit Any provision held invalid shall be severable from the remaining portions of this section Measure No 424 HISTORICAL NOTES Initiative measure 424 was a citizen initiated constitutional amendment which was presented to the qualified voters of the state at the November 2008 general election The measure was approved by the majority of voters

Widtfeldt vs NEOC, NAF ref ART I, § 30, NEBRASKA CONSTITUTION

Ne Rev St CONST Art I. § 30, NE CONST Art I. § 30

A relevant statutory provision is 42 USC Section 1983 or the Civil Rights act of the United States Code 42 U S C A § 1983

United States Code Annotated Currentness

Title 42 The Public Health and Welfare

Chapter 21 Civil Rights (Refs & Annos)

Subchapter I. Generally

§ 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or

other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia

CREDIT(S)

(R S § 1979; Pub L 96-170, § 1, Dec. 29, 1979, 93

Stat. 1284; Pub L. 104-317, Title III, § 309(c), Oct 19, 1996, 110 Stat 3853)

To state a claim under **42** U S.C § **1983**, a plaintiff must establish· (1) the violation of a right secured by the Constitution or laws of the United States, and (2) the alleged deprivation of that right was committed by a person acting under color of state law *West v Atkins,* 487 U S 42, 48, 108 S Ct 2250, 101 L Ed 2d 40 (1988)

Nebraska RRS 20-343 Attorney General, civil action, powers and duties, relief authorized, intervention, when permitted

(1) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance

to the full enjoyment of any of the rights granted by the Nebraska Fair Housing Act or that any group of persons has been denied any of the rights granted by the act and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate district court

(2)(a) The Attorney General may commence a civil action in any appropriate district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the commission under section 20-337 The action may be commenced not later than the expiration of eighteen months after the date of the occurrence or the

termination of the alleged discriminatory housing practice

(b) The Attorney General may commence a civil action in any appropriate district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the commission under section 20-329 The action may be commenced not later than the expiration of ninety days after the referral of the alleged breach under such section

(3) The Attorney General, on behalf of the commission or other party at whose request a subpoena is issued under section 20-334, may enforce the subpoena in appropriate proceedings in the district court for the county in which the person to whom the

subpoena was addressed resides, was served, or transacts business

(4)(a) In a civil action under subsection (1) or (2) of this section, the court

(i) May award such temporary relief, including a permanent or temporary injunction, a restraining order, or any other order against the person responsible for a violation of the act as is necessary to assure the full enjoyment of the rights granted by the act,

(ii) May award such other relief as the court deems appropriate, including monetary damages to persons aggrieved, and

(iii) May, to vindicate the public interest, assess a civil penalty against the respondent

(A) In an amount not exceeding fifty thousand dollars for a first violation, and

(B) In an amount not exceeding one hundred thousand dollars for any subsequent violation

(b) In a civil action under this section, the court may allow the prevailing party, other than the state, reasonable attorney's fees and costs. The state shall be liable for such fees and costs to the same extent as a private person

(5) Upon timely application, any person may intervene in a civil action commenced by the Attorney

General under subsection (1) or (2) of this section which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 20-342

Laws 1991, LB 825, § 44.

STATEMENT OF THE CASE

This is a case which has developed from the days of Indian Wars, wherein the European immigrants became accustomed to disenfranchising the Native American

population, with any excuse whatever, by the most grotesque mis-interpretation of laws for the purpose of harming the Native Americans. In this case, quite reasonable housing, heavily used and somewhat frayed, but serviceable, is being challenged as totally unfit For example, smoke detectors have been installed in each room in several different remodelings, so that 2 to 5 smoke detector bases can be found on nearly every ceiling, including in kitchens which are generally exempt from smoke detectors Only one smoke detector per room excepting kitchens is in service, leaving one or more unused smoke detector bases in each room The unused bases are being pictured and reported as defects by NAF and NEOC, even though

the inspectors know they are taking pictures which intentionally exclude working smoke detectors from the picture

Typical residences have many visitors as daily work routines are arranged, and particularly in the last few days before the renters depart Doors are often opening and shutting, and flys often get in, and fly strips are often hung from the ceiling as a means to trap unwanted flys, particularly at the end of the rentals when flys are particularly anxious to get indoors, and the renters are pre-occupied with moving, and have no time to swat flys. NAF and NEOC are trying to portray the fly strips which NAF and NEOC find following renter move outs as health hazards, but in fact the fly

strips are just a convenient way to eradicate flys which would be a problem to anyone moving in late September or October -- times when flys are aware of colder weather and when flys are particularly hard to keep out of any dwelling, particularly those experiencing a move out

NAF AND NEOC APPEAR TO BE CREATING THE DAMAGE FOR WHICH THEY ARE CASTING ASPERSIONS AGAINST AND SUING WIDTFELDT

In the present case, the Nebraska Statutes may or may not have ever been intended to prevent actual

discrimination, but in fact the statutes are being used to create discrimination by NAF and NEOC as follows RRS 20-343 et seq are being used to assert $100,000 per day penalties for reason of renters, or perhaps NEOC and NAF agents, installing fly strips in Widtfeldt dwellings with the installation of fly strips unknown to the landlord -- with NAF and NEOC attempting to impose a $100,000 per day penalty against the landlord Originally, perhaps the legislative thought behind RRS 20-343 was possibly thought to punish slavery or some such extreme behavior, but in fact, the law RRS 20-343 is being used by NAF and NEOC to harass and intimidate very ordinary and pedestrian rental accommodations of average or better

qualities, by NEOC and NAF picturing an occasional fly strip installed by renters, or by picturing the occasional fire alarm no longer necessary because it is located above a kitchen stove, as a result of remodeling, but NAF and NEOC implying that the fire alarm should still be there NAF and NEOC additionally inspected by taking off sewer covers and taking pictures down the sewer clean out, thereby NAF and NEOC created a situation that normally does not exist The inspection by taking off a sewer clean out cover was excessive for three and probably more reasons

a) There was no backed up sewer and the sewer was perfectly functional,

b) The renters or some malicious person or agency occasionally do insert beer cans down the sewer (stools are not big enough for a beer can to go down the stool) which are then found impaled on a sewer clean out auger when Widtfeldt calls the plumber (usually within a few hours) to use heavy duty clean out augers which are run through the sewer – this is not normal wear and tear and suggests that NAF and NEOC are involved in taking off the sewer clean out covers and inserting beer cans down the sewer to obstruct the sewer and try to make Widtfeldt property sewers blocked, a situation that occasionally occurs but which is clearly not

Widtfeldt's fault, but rather a malicious action probably suggested to the Widtfeldt renters by NAF and NEOC as an excuse to try to create the $100,000 fine per day Once NAF and NEOC are actively engaging in damaging Widtfeldt property, then NAF and NEOC are in violation of Article I, Section 30 of the Nebraska Constitution and should be punished accordingly, that is, NAF and NEOC should be compelled to pay Widtfeldt a fine of at least twice those NAF and NEOC are trying to assert against Widtfeldt, as a preventative measure to take the profit out of NAF and NEOC misbehavior

US HIGHWAY 20-275 IN O'NEILL WAS TORN OUT IN FRONT OF WIDTFELDT PREMISES IN 2008 EXACTLY DURING THE TIME WHEN NAF AND NEOC WERE PRETENDING TO, BUT NOT ACTUALLY ACTING TO, SUBSIDIZE WIDTFELDT RENTERS AND NAF AND NEOC WERE CREATING DAMAGES AGAINST WIDTFELDT, FOR WHICH NAF AND NEOC WERE TRYING TO PUNISH WIDTFELDT

Not only were NAF and NEOC actively creating the appearances of faults in objects complained about during "inspections" in 2008, but NAF and NEOC were part of a much larger project, a US Highway 20-275 tear out and replace paving project in

O'Neill in front of Widtfeldt premises, which even NAF and NEOC would be hard pressed to generate enough gall to complain Widtfeldt was responsible for While it might be possible for the wild eyed agents of NAF and NEOC to point fingers and bombastically gesticulate wildly enough to persuade an all Democrat Nebraska Supreme Court to blame Widtfeldt for an occasional fly strip or mold strip in heavily used rentals, perhaps convicting Widtfeldt of the highway tear out obstruction of Widtfeldt rentals would be a little harder (the all Democrat Supreme Court Judges all appointed by former governor Ben Nelson who breached the Low Level Radioactive Waste Compact thereby costing Nebraska in excess of $146 million dollars after

Widtfeldt vs NEOC, NAF ref ART I, § 30, NEBRASKA CONSTITUTION

Widtfeldt rented office space to US Ecology, the local branch of the Radioactive Waste Compact Widtfeldt's earlier efforts to try to help Nebraska comply with the Low Level Radioactive Waste Compact, a 7 State Consortium approved by the US Congress, led to earlier professional jealousy and unending grievances culminating in disbarment of Widtfeldt in 2006 for getting Lyme disease treatment for desperately ill Widtfeldt clients, many of whom are now deceased

MACKLEM VS GRABER This is a 2001 Holt County Court case, insignificant except Macklem was part Native American, Graber was not, Widtfeldt represented Macklem, and Judge Brodbeck's favorite

Forrest Peetz represented Graber, and Widtfeldt motioned to disqualify Brodbeck as Brodbeck had never decided any contested case in favor of Widtfeldt clients, ever A new Judge was found, Widtfeldt won, and thereafter Judge Brodbeck and Forrest Peetz began filing grievances against Widtfeldt until Widtfeldt was disbarred in 2006 Typical for "impartiality" of Judges in Nebraska

CONCLUSION

The NAF (Nebraska Agricultural Farmworkers, a/k/a NAF, a Multicultural Nebraska Corporation) and Nebraska Equal Opportunity Commission (NEOC)

have a hard time letting go of the opportunity to destroy private property by determining that a NEOC or NAF agent's fly strip or beer can down a sewer clean out, or a renter's fly strip or a renter's malicious habit of putting a beer can down a sewer clean out are no longer eligible to impose $100,000 fines per day to essentially outlaw renting to racial minorities, particularly Native Americans Time's Up. The NAF and NEOC will have to look elsewhere to wreck private business

December 8, 2010

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APPENDICES

DOCKET SHEET

Case # A 10 450 SEE ALSO

09-234 Case Name Nebraska Equal

Opportunity Commission v

Widtfeldt

Gregory J Walklin A 24210

Frederick J Coffman A 10725

1) Nebraska Equal Opportunity

Commission

ATTORNEY GENERAL Appellee

2115 State Capitol

Lincoln NE 68509 402-471-2682

Case # A 10 450 SEE ALSO 09

Case Name Nebraska Equal

Opportunity Commission v

Widtfeldt1

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471 3480 NE SUPREME COURT

DOCKET SHEET

2002/on

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SUBMISSION AND

DISPOSITION OF APPEAL

COURT OF APPEALS

06-09-10 Misc Submission to Court- Jurisdiction

06-09-10 Sievers, Irwin, Cassel

06-15-10 ** Appeal dismissed for lack of jurisidiction pursuant to Neb. Ct R App. P. 2-107(A)(2) for lack of a final appealable order

SUBMISSION AND

DISPOSITION OF APPEAL

Supreme Court

07-14-10 Pet Appellant for Further Review & Brf

07-28-10 Heavican, Wright, Connolly, Gerrard, Stephan, McCormack, Miller-Lerman

09-09-10 ** Petition for further review denied

09-22-10 MANDATE ISSUED

IN THE DISTRICT COURT

OF LANCASTER COUNTY,

NEBRASKA

NEBRASKA EQUAL

OPPORTUNITY COMMISSION

ET AL, PLAINTIFF, v

JAMES WIDTFELDT,

JAMES WIDTFELDT, INC , A

Nebraska Corportıon, AND NAF

MULTICULTURAL HUMAN

DEVELOPMENT

CORPORATION, INC., A

Nebraska Non Profit Corporatıon

ORDER CASE CI 08-5348

This matter came on for hearing on March 12, 2010 Assistant Attorney General Walklin and Assistant Attorney General Fritz appeared for the Plaintiff James Widtfeldt appeared without counsel. No one appeared on behalf of James Widtfeldt, Inc. Hearing was held on the following motions: Plaintiff's Motion to Strike, filing #8, Defendant's Motion to Strike, filing #9, Defendant's Objection to Court Venue, Judge, and

Procedures, filing #10, and Defendant's Motion to Dismiss, filing #14 The record reflects that the Defendant has also filed documents with the Clerk of the District Court in this case on January 15, 2010, regarding misconduct, and on January 20, 2010, regarding a motion to dismiss The above motions were argued and submitted.

It is the determination of the court that the Plaintiff's Motion to Strike, filing #8, regarding the

Answer of Defendant James Widtfeldt which was filed on November 13, 2009, is sustained in part It is ordered that the following paragraphs are ordered stricken from the answer Paragraphs A1, J10, K11, L12, M13, N14, O15, P16, Q17, R18, S19, U21, V22, W23, Y25, and Z26. The remaining portions of the motion to strike are overruled at this time

It is ordered that the Defendant's Motion to Strike, filing #9, Defendant's Objection to Court

Venue, Judge and Procedures, filing #10, and Defendant's Motion to Dismiss, filing #14, are overruled and denied

SO ORDERED

DATED this 5th day of April, 2010

BY THE COURT:

(signed)

Hon. John A Colborn, District Court Judge